

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED BY _____
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Case No. 06-10019-cr-KING/GARBER

UNITED STATES OF AMERICA

vs.

YARIEL ITURRIAGA-VALDEZ,
HEYTER LANDIN-HERNANDEZ,
ARIEL FERNANDEZ ALONZO,
JORGE REYES GALINDO,
and
REYNALDO PEREZ-TOLEDO,

Defendants.

**PROFFER OF FACT FOR THE BOND/PRE-TRIAL DETENTION HEARING
PURSUANT TO 18 U.S.C. § 3142**

The United States, by and through the undersigned Special Assistant United States Attorney, files this proffer of fact for the bond/pre-trial detention hearing pursuant to 18 U.S.C. § 3142.

The Charges

All five (5) defendants in this case are charged by way of indictment with conspiracy to encourage and induce aliens to enter the United States illegally, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(iv) and (a)(1)(A)(v)(I). Counts 2-5 charge defendants Iturriaga-Valdez, Perez-Toledo, and Fernandez Alonzo with encouraging and inducing aliens to enter illegally, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv). Count 6 charges Iturriaga-Valdez and Perez Toledo with unauthorized entry into Cuban territorial seas, in violation of 33 C.F.R. § 107.215(a). Count 7 charges defendants Iturriaga-Valdez and Landin-Hernandez with alien with encouraging and inducing aliens to enter illegally, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv), and Count 8 charges them with unauthorized entry into Cuban territorial seas, in violation of 33 C.F.R. § 107.215(a). Counts 9-43 charge

defendants Iturriaga-Valdez, Reyes Galindo, and Fernandez Alonzo with encouraging and inducing aliens to enter illegally. Count 44 charges defendant Iturriaga-Valdez with failure to heave to, in violation of 18 U.S.C. § 2237. Count 45 charges Iturriaga-Valdez and Reyes Galindo with unauthorized entry into Cuban territorial seas, in violation of 33 C.F.R. § 107.215(a).

Proffer of Fact

On November 30, 2005, the United States Coast Guard interdicted defendants Iturriaga-Valdez and Perez-Toledo on board a thirty-two (32)-foot go-fast vessel approximately two (2) nautical miles south of Conch Reef, near Tavernier, Florida. The vessel was running north in the pre-dawn darkness without running lights. After stopping the vessel, the U.S. Coast Guard boarding team discovered four (4) Cuban nationals on board in addition to copious amounts of food, water, engine oil, satellite phone travel chargers, spare engine propellers, and chartlets of the north coast of Cuba. One (1) of the Cuban migrants was defendant Reyes Galindo. The U.S. Coast Guard also intercepted a second go-fast vessel in the immediate vicinity of the first go-fast vessel with defendant Fernandez Alonzo on board. The U.S. Coast Guard subsequently repatriated the four (4) Cuban migrants, including defendant Reyes Galindo, to Cuba.

On December 27, 2005, the U.S. Coast Guard interdicted defendants Iturriaga-Valdez and Landin-Hernandez on board a thirty (30)-foot go-fast vessel approximately ten (10) nautical miles south of Bahia Honda, Florida. During this boarding, the U.S. Coast Guard discovered one (1) Cuban migrant on board, defendant Reyes Galindo, and a handheld Global Positioning System ("GPS"). A search of the GPS unit revealed that the smugglers traveled to the Cuban coast and beyond—to an interior location near the Villa Clara and Cienfuegos provinces in Cuba on December

25, 2005—prior to their departure from Cuba on December 27, 2005. The U.S. Coast Guard subsequently repatriated the migrant, defendant Reyes Galindo, to Cuba again.

On March 31, 2006, defendant Reyes Galindo landed on Big Pine Key, Florida with two (2) other Cuban aliens under circumstances unknown to the Government.

On April 26, 2006, the U.S. Coast Guard cutter Nunivak intercepted defendant Reyes Galindo and defendant Iturriaga-Valdez operating a thirty-two (32)-foot go-fast vessel with thirty-five (35) Cuban aliens on board. The vessel was located in the vicinity of the Cay Sal Banks and was headed northbound. The Nunivak pursued the vessel for eight (8) hours during the night of April 26-27, 2006. The crew of the Nunivak repeatedly directed defendants Reyes Galindo and Iturriaga-Valdez to stop their vessel in English and Spanish. The vessel refused to stop despite the fact that it was overloaded, that some of the Cuban aliens were small children, and that the vessel was taking large waves over the bow. Ultimately, the U.S. Coast Guard was forced to employ warning shots and disabling fire to stop the vessel. No one was injured, and the Cuban migrants were removed safely from the vessel.

Together, the five (5) defendants comprise an organized, deliberate criminal enterprise. They conspired to repeatedly attempt to smuggle defendant Reyes Galindo into the United States and then to employ him as a go-fast operator less than a month after his arrival. They each have roles within the organization. Defendants Landin-Hernandez and Fernandez Alonzo organized the smuggling runs and facilitated rescue vessels. Defendant Iturriaga-Valdez served as a vessel operator on each of the three (3) smuggling runs. Perez Toledo, Landin-Hernandez, and Reyes Galindo also served as vessel operators and crew.

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Known Criminal History

Defendant Iturriaga-Valdez's criminal history shows an arrest on April 20, 2004 for burglary, larceny, and resisting an officer without violence. He was arrested for alien smuggling on April 28, 2006, and has detained in Krome since that date.

Defendant Landin-Hernandez was arrested on August 23, 2004 for battery and kidnapping.

Defendant Ariel Fernandez Alonzo was arrested by Border Patrol on October 25, 2004 for alien smuggling. His arrest on November 30, 2005 constituted a violation of his conditions of release pending deportation.


Defendant Reyes Galindo entered the United States illegally on March 31, 2006. He was arrested for alien smuggling on April 28, 2006 and has been detained in Krome since that date.

Defendant Perez Toledo was arrested by Border Patrol on June 18, 2005 for alien smuggling, but it is unknown whether this arrest was for smuggling or for illegal arrival to the United States.

Respectfully submitted,

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